



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christian BRONNER et al.

Title: ICBP90 POLYPEPTIDE AND ITS FRAGMENTS AND POLYNUCLEOTIDES CODING FOR SAID POLYPEPTIDES AND APPLICATIONS FOR DIAGNOSING AND TREATING CANCER

Appl. No.: 10/019,071

Filing Date: 5/15/2002

Examiner: Minh-Tam DAVIS

Art Unit: 1642

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
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Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

06/13/2005 HALI11 00000005 190741 10019071
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TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

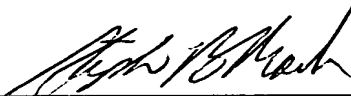
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A fee in connection with submission of a supplemental information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

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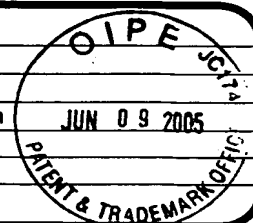
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By 

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Stephen B. Maebius
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Registration No. 35,264

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| Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: June 9, 2005 <i>(use as many sheets as necessary)</i> | | | | Complete if Known Application Number: 10/019,071 Filing Date: 5/15/2002 First Named Inventor: BRONNER, Christian Group Art Unit: 1642 Examiner Name: Minh-Tam DAVIS Attorney Docket Number: 065691-0266 | |
| Sheet | 1 | of | 5 | | |



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| | B1 | AUSTIN, C. A., et al., "Novel HeLa topoisomerase II is the II β isoform: complete coding sequence and homology with other type II topoisomerases", Biochimica et Biophysica Acta, vol. 1172, pp. 283-291 (1993) | |
| | B2 | BANERJI, J., et al., "Expression of a β -Globin Gene Is Enhanced by Remote SV40 DNA Sequences", Cell, vol. 27, pp. 299-308 (Part 1) (1981). | |
| | B3 | BARANY, F., "Genetic disease detection and DNA amplification using cloned thermostable ligase", Proc. Natl. Acad. Sci., vol. 88, pp. 189-193 (1991). | |
| | B4 | BORITZKI, T. J., "Inhibition of Type II Topoisomerase By Fostriecin", Biochemical Pharmacology, vol. 37, no. 21, pp. 4063-4068 (1988). | |
| | B5 | BRADY, M. E., et al., "Tip60 Is a Nuclear Hormone Receptor Coactivator", J. Biol. Chem., vol. 274, no. 25, pp. 17599-17604 (1999). | |
| | B6 | BRANDT, T. L., et al., "c-Myb <i>trans</i> -Activates the Human DNA Topoisomerase II α Gene Promoter", J. Biol. Chem., vol. 272, no. 10, pp. 6278-6284 (1997). | |
| | B7 | BROU, C., et al., "Distinct TFIIID complexes mediate the effect of different transcriptional activators", EMBO Journal, vol. 12, no. 2, pp. 489-499 (1993). | |
| | B8 | BUCKHOLZ, R. G., "Yeast systems for the expression of heterologous gene products", Current Opinion in Biotechnology, vol. 4, pp. 538-542 (1993). | |
| | B9 | BURG, J. L., et al., "Single molecule detection of RNA reporter probes by amplification with Q β replicase", Molecular and Cellular Probes, vol. 10, pp. 257-271 (1996). | |

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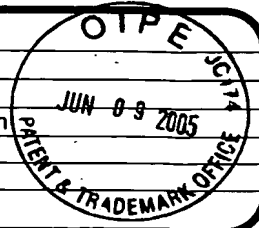
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| | B10 | CHU, B. C. F., et al., "Synthesis of an amplifiable reporter RNA for bioassays", Nucleic Acids Research, vol. 14, no. 14, pp. 5591-5603 (1986). | |
| | B11 | CHUNG, T. D. Y., et al., "Characterization and immunological identification of cDNA clones encoding two human DNA topoisomerase II isozymes", Proc. Natl. Acad. Sci., vol. 86, pp. 9431-9435 (1989). | |
| | B12 | DARZYNKIEWICZ, Z., et al., "Analysis of DNA Content and Cyclin Protein Expression in Studies of DNA Ploidy, Growth Fraction, Lymphocyte Stimulation, and the Cell Cycle", Methods IN Cell Biolgoy, vol. 41, pp. 421-435 (1994) | |
| | B13 | DEFFIE, A. M., et al., "Direct Correlation between DNA Topoisomerase II Activity and Cytotoxicity in Adriamycin-sensitive and -resistant P388 Leukemia Cell Lines", Cancer Research, vol. 49, no. 1, pp. 58-62 (1989). | |
| | B14 | DE VRIES, L., et al., "GAIP, a protein that specifically interacts with the trimeric G Protein G α_3 , is a member of a protein family with a highly conserved core domain", Proc. Natl. Acad. Sci., vol. 92, pp. 11916-11920 (1995). | |
| | B15 | DEVYS, D., et al., "The FMR-1 protein is cytoplasmic most abundant in neurons and appears normal in carriers of a fragile X premutation", Nature Genetics, vol. 4, pp. 335-340 (1993). | |
| | B16 | DRAKE, F. H., et al., "Biochemical and Pharmacological Properties of p170 and p180 Forms of Topoisomerase II", Biochemistry, vol. 28, pp. 8154-8160 (1989). | |
| | B17 | DUCK, P., et al., "Probe Amplifier System Based on Chimeric Cycling Oligonucleotides", BioTechniques, vol. 9, no. 2, pp. 142-147 (1990). | |
| | B18 | EDWARDS, C. P., et al., "Current applications of COS cell based transient expression systems", Current Opinion in Biotechnology, vol. 4, pp. 558-563 (1993). | |
| | B19 | FLOURIOT, G., et al., "Differentially Expressed Messenger RNA Isoforms of the Human Estrogen Receptor- α Gene Are Generated by Alternative Splicing and Promoter Usage", Mol. Endo., vol. 12, no. 12, pp. 1939-1954 (1998). | |
| | B20 | FRY, A. M., et al., "Relationship between Topoisomerase II Level and Chemosensitivity in Human Tumor Cell Lines", Cancer Research, vol. 51, pp. 6592-6595 (1991). | |
| | B21 | FURTH, P. A., et al., "Gene Transfer into Somatic Tissues by Jet Injection", Analytical Biochemistry, vol. 205, pp. 365-368 (1992). | |
| | B22 | GAUB, M-P., et al., "Nuclear Detection of Cellular Retinoic Acid Binding Proteins I and II with New Antibodies", J. Histochem. & Cytochem., vol. 46, no. 10, pp. 1103-1111 (1998). | |
| | B23 | GOETZ, J., et al., "Structure and Expression of the ATF α Gene", J. Biol. Chem., vol. 271, no. 47, pp. 29589-29598 (1996). | |
| | B24 | GOSWAMI, P. C., et al., "The Cell Cycle-Coupled Expression of Topoisomerase II α during S Phase Is Regulated by mRNA Stability and Is Disrupted by Heat Shock or Ionizing Radiation", Mole. And Cell. Biol., vol. 16, no. 4, pp. 1500-1508 (1996) | |

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| | B25 | GRANDIEN, K., "Determination of transcription start sites in the human estrogen receptor gene and identification of novel, tissue-specific, estrogen receptor-mRNA isoform", Mole. & Cell. Endoc., vol. 116, pp. 207-212 (1996). | |
| | B26 | GRIFFIN, C., et al., "Two Functionally Different Protein Isoforms Are Produced from the Chicken Estrogen Receptor- α Gene", Mol. Endo., vol. 13, no. 9, pp. 1571-1587 (1999). | |
| | B27 | GRUBER, S. B., et al., "Pathogenesis of Adenocarcinoma in Peutz-Jeghers Syndrome", Cancer Research, vol. 58, pp. 5267-5270 (1998). | |
| | B28 | GUATELLI, J. C., et al., "Isothermal, <i>in vitro</i> amplification of nucleic acids by a multienzyme reaction modeled after retroviral replication", Proc. Natl. Acad. Sci., vol. 87, pp. 1874-1878 (1990). | |
| | B29 | GUINEE, JR., D. G., et al., "Comparison of DNA Topoisomerase II α Expression in Small Cell and Nonsmall Cell Carcinoma of the Lung", Cancer, vol. 78, no. 4, pp. 729-735 (1996). | |
| | B30 | HADDAD, B. R., et al., "Identification of de novo chromosomal markers and derivatives by spectral karyotyping", Hum Genet, vol. 103, pp. 619-625 (1998). | |
| | B31 | HECK, M. M. S., "Differential expression of DNA topoisomerases I and II during the eukaryotic cell cycle", Proc. Natl. Acad. Sci., vol. 85, pp. 1086-1090 (1988). | |
| | B32 | HOCHHAUSER, D., et al., "Cloning and Characterization of the 5'-Flanking Region of the Human Topoisomerase II α Gene", J. Biol. Chem., vol. 267, no. 26, pp. 18961-18965 (1992). | |
| | B33 | HÖGLUND, M., et al., "Cytogenetic and Fluorescence In Situ Hybridization Analyses of Chromosome 19 Aberrations in Pancreatic Carcinomas: Frequent Loss of 19p13.3 and Gain of 19q13.1-13.2", Genes, Chromosomes & Cancer, vol. 21, pp. 8-16 (1998). | |
| | B34 | HROMAS, R., et al., "Hematopoietic Transcriptional Regulation by the Myeloid Zinc Finger Gene, MZF-1", Molecular Aspects of Myeloid Stem Cell Development, pp. 159-164, Springer-Verlag (1996). | |
| | B35 | INOUE, C., et al., "Isolation of a cDNA Encoding a Metal Response Element Binding Protein Using a Novel Expression Cloning Procedure: The One Hybrid System", DNA and Cell Biology, vol. 13, no. 7, pp. 731-742 (1994). | |
| | B36 | ISAACS, R. J., et al., "Physiological regulation of eukaryotic topoisomerase II", Biochimica et Biophysica Acta, vol. 1400, pp. 121-137 (1998). | |
| | B37 | JENKINS, J. R., et al., "Isolation of cDNA clones encoding the β isozyme of human DNA topoisomerase II and localization of the gene to chromosome 3p24", Nucleic Acids Research, vol. 20, no. 21, pp. 5587-5592 (1992). | |
| | B38 | KASSEL, O., et al., "Up- and Down-Regulation by Glucocorticoids of the Constitutive Expression of the Mast Cell Growth Factor Stem Cell Factor by Human Lung Fibroblasts in Culture", Mol. Pharm., vol. 54, pp. 1073-1079 (1998). | |
| | B39 | KENNERDELL, J. R., et al., "Use of dsRNA-Mediated Genetic Interference to Demonstrate that <i>frizzled</i> and <i>frizzled 2</i> Act in the Wingless Pathway", Cell, vol. 95, pp. 1017-1026 (1998). | |
| | B40 | KESSLER, C., et al., Nonradioactive Labeling and Detection of Biomolecules: Overview of Amplification Systems", pp. 197-205, Springer-Verlag, Berlin (1992). | |

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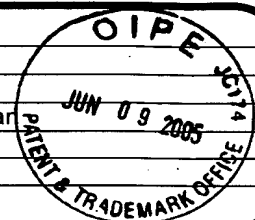
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| | B41 | KIEVITS, T., et al., "NASBA™ isothermal enzymatic in vitro nucleic acid amplification optimized for the diagnosis of HIV-1 infection", J. Virol. Meth., vol. 35, no. 3, pp. 273-286 (1991). | |
| | B42 | KÖHLER, G., et al., "Continuous cultures of fused cells secreting antibody of predefined specificity", Nature, vol. 256, no. 5517, pp. 495-497 (1975). | |
| | B43 | KWOH, D. Y., et al., "Transcription-based amplification system and detection of amplified human immunodeficiency virus type 1 with a bead-based sandwich hybridization format", Proc. Natl. Acad. Sci., vol. 86, pp. 1173-1177 (1989). | |
| | B44 | LANDEGREN, U., et al., "A Ligase-Mediated Gene Detection Technique", Science, vol. 241, pp. 1077-1080 (1988). | |
| | B45 | LAVIE, J., et al., "Vascular Cell Adhesion Molecule-1 Gene Expression during Human Smooth Muscle Cell Differentiation Is Independent of NF-κB Activation", J. Biol. Chem., vol. 274, no. 4, pp. 2308-2314 (1999). | |
| | B46 | LEE, J. Y., et al., "A Distinct Region of Chromosome 19p13.3 Associated with the Sporadic Form of Adenoma Malignum of the Uterine Cervix", Cancer Research, vol. 58, pp. 1140-1143 (1998). | |
| | B47 | LIZARDI, P. M., et al., "Exponential Amplification of Recombinant-RNA Hybridization Probes", Biotech., vol. 6, pp. 1197-1202 (1998). | |
| | B48 | LUCKOW, V. A., "Baculovirus systems for the expression of human gene products", Current Opinion in Biotechnology, vol. 4, pp. 564-572 (1993). | |
| | B49 | MARTINEZ, R., et al., "Gene Structure, Promoter Activity, and Chromosomal Location of the DR-nm23 Gene, a Related Member of the nm23 Gene Family", Cancer Research, vol. 57, pp. 1180-1187 (1997). | |
| | B50 | MATTHEWS, J. A., et al., "Analytical Strategies for the Use of DNA Probes", Anal. Biochem., vol. 169, pp. 1-25 (1988). | |
| | B51 | MIELE, E. A., "Autocatalytic Replication of a Recombinant RNA", J. Mol. Biol., vol. 171, pp. 281-295 (1983). | |
| | B52 | NAGASE, T., et al., "Promoter Region of the Humn CRE-BP1 Gene Encoding the Transcriptional Regulator Binding to the Cyclic AMP Response Element", J. Biol. Chem., vol. 265, no. 28, pp. 17300-17306 (1990). | |
| | B53 | NITISS, J. L., "Investigating the biological functions of DNA topoisomerases in eukaryotic cells", Biochimica et Biophysica Acta, vol. 1400, pp. 63-81 (1998). | |
| | B54 | OLINS, P. O., et al., "Recent advances in heterologous gene expression in <i>Escherichia coli</i> ", Current Opinion in Biotechnology, vol. 4, pp. 520-525 (1993). | |
| | B55 | PCR PROTOCOLS: A Guide To Methods and Applications, INNIS, M. A., et al., Academic Press, Inc. (1990). | |
| | B56 | PCR Technology, "Principles and Applications for DNA Amplification", ERLICH, H. A., Stockton Press | |
| | B57 | PCR Topics, ROLFS, A., et al., Springer-Verlag, Berlin (1990). | |

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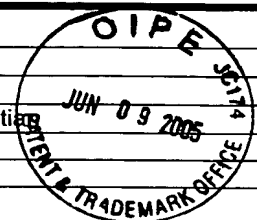
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| | B58 | POMMIER, Y., et al., "Cellular Determinants of Sensitivity and Resistance to DNA Topoisomerase Inhibitors", Cancer Investigation, vol. 12, no. 5, pp. 530-542 (1994). | |
| | B59 | PONGLIKITMONGKOL, M., et al., "Genomic organization of the human oestrogen receptor gene", EMBO Journal, vol. 7, no. 11, pp. 3385-3388 (1988). | |
| | B60 | RIO, M. C., et al., "Specific expression of the pS2 gene in subclasses of breast cancers in comparison with expression of the estrogen and progesterone receptors and the oncogene ERBB2, Proc. Natl. Acad. Sci., vol. 84, pp. 9243-9247 (1987). | |
| | B61 | QIAN, F., et al., "Chromosomal Localization of the Four Genes (NFIA, B, C, and X) for the Human Transcription Factor Nuclear Factor I by FISH", Genomics, vol. 28, pp. 66-73 (1995). | |
| | B62 | ROCHETTE-EGLY, C., et al., "Stimulation of RAR α Activation Function AF-1 through Binding to the General Transcription Factor TFIIF and Phosphorylation by CDK7", Cell, vol. 90, pp. 97-107 (1997). | |
| | B63 | ROSKELL, D. E., et al., "Proliferating Cell Nuclear Antigen Expression Grossly Over-estimates Cellular Proliferation in Cardiac Myxomas", Eur. J. Med. Res., vol. 4, pp. 105-106 (1999). | |
| | B64 | SAMBROOK, J., et al., Molecular Cloning: A Laboratory Manual, 2d ed., Cold spring Harbor Laboratory Press (1989). | |
| | B65 | SHERER, M. E., et al., "Atypical (7;19) Translocation in Actue Myelomonocytic Leukemia", Cancer Genet Cytogenet, vol. 57, pp. 169-173 (1991). | |
| | B66 | STONE, B. B., et al., "Detection of rRNA from four respiratory pathogens using an automated Q β replicase assay", Molecular and Cellular Probes, vol. 10, pp. 359-370 (1996). | |
| | B67 | TANG, D., et al., "Genetic immunization is a simple method for eliciting an immune response", Nature, vol. 356, no. 6365, pp. 152-154 (1992). | |
| | B68 | TANIWAKI, M., et al., "Non-Random Chromosomal Rearrangements and Their Implications in Clinical Features and Outcome of Multiple Myeloma and Plasma Cell Leukemia", Leukemia and Lymphoma, vol. 21, pp. 25-30 (1995). | |
| | B69 | TSAI-PFLUGFELDER, M., et al., "Cloning and sequencing of cDNA encoding human DNA topoisomerase II and localization of the gene to chromosome region 17q21-22", Proc. Natl. Acad. Sci., vol. 85, pp. 7177-7181 (1988). | |
| | B70 | WALKER, G. T., et al., "Strand displacement amplification—an isothermal, <i>in vitro</i> DNA amplification technique", Nucleic Acids Research, vol. 20, no. 7, pp. 1691-1696 (1992). | |
| | B71 | WANG, J. C., "DNA TOPOISOMERASES", Annu. Rev. Biochem., vol. 65, pp. 635-692 (1996). | |
| | B72 | WANG, M. M., et al., "Molecular cloning of the olfactory neuronal transcription factor Olf-1 by genetic selection in yeast", Nature, vol. 364, no. 6433, pp. 121-126 (1993). | |
| | B73 | YAMAZAKI, K., et al., "Quantitative immunocytochemical assays of topoisomerase II in Lung Adenocarcinoma Cell Lines", Acta Oncologica, vol. 35, no. 4, pp. 417-423 (1996). | |

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